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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,084	05/03/2001	Takashi Oishi	206576US3	6987

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/847,084

**Applicant(s)**OISHI ET AL. **Examiner**

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Amendment***

The amendment filed 4/22/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: THE SPECIFICATION does not support the draw forming being positioned 4 to 16% of the total width of the door panel from the edge. The specification merely states that the draw forming is at least 10%..

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7. Prior Art Figure 7 discloses the use of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. The applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself. Draw forming is a method step that appears to be a technique used to stretch a material, in particular metal/plastic specifically at the edges to

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obtain a desired shape or configuration. In apparatus claims it is the final product that is given patentable consideration. Hence, the step of draw forming has not been given patentable weight. Prior Art Figure 7 discloses the basic claimed door except for the percentage of draw forming performed with respect to the total width of the door panel. Although there is no discussion regarding the amount of draw forming performed, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known draw forming percentage according to the use intended as an obvious matter of design choice. The amount of draw forming determines how much of the remainder of the panel will curve. The curve further determines how much insulation the panel will be able to enclose. A door with less draw forming will have less curvature and will in turn be able to hold less insulation; which will be less effective as far as insulation is concerned. Whereas a door having more draw forming will produce a larger curve in the panel and would hold much more insulation. This door will in turn will be much more cost effective as far as the insulation and heat are concerned.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982. Prior Art Figure 7 discloses the use of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. The applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself. Draw forming is a method step that appears to be a technique

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used to stretch a material, in particular metal/plastic specifically at the edges to obtain a desired shape or configuration. In apparatus claims it is the final product that is given patentable consideration. Hence, the step of draw forming has not been given patentable weight. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door of Prior Art Figure 7 with the face plate of Japanese Utility Model #63-104982 in order to present a door that is not only a heat insulating door, but that is also sophisticated in appearance. Prior Art Figure 7 discloses the basic claimed door except for the percentage of draw forming performed with respect to the total width of the door panel. Although there is no discussion regarding the amount of draw forming performed, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known draw forming percentage according to the use intended as an obvious matter of design choice. The amount of draw forming determines how much of the remainder of the panel will curve. The curve further determines how much insulation the panel will be able to enclose. A door with less draw forming will have less curvature and will in turn be able to hold less insulation; which will be less effective as far as insulation is concerned. Whereas a door having more draw forming will produce a larger curve in the panel and

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would hold much more insulation. This door will in turn v=be much more cost effectively as far as insulation and heat are concerned.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 as applied to claim 1 above, and further in view of JP 60-058270. Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 discloses the basic claimed door except for two-tone coloring the panel. JP 60-058270 teaches that it is known in the art to two-tone color finish a metal/plastic. Although JP 60-058270 does not specifically teach two-tone coloring on a boundary, per se', it would have been obvious to one having ordinary skill in the art at the time the invention was made to color finish the panel of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 in order to create a member that is aesthetically pleasing but that is also enhance at the draw forming portions thereby further defining the shape made by draw forming the member.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 as applied to claim 1 above, and further in view of JP 60-058270. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door of Prior Art Figure 7 with the face plate of Japanese Utility Model #63-104982 in order to present a

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door that is not only a heat insulating door, but that is also sophisticated in appearance. Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 discloses the basic claimed door except for two-tone coloring the panel. JP 60-058270 teaches that it is known in the art to two-tone color finish a metal/plastic. Although JP 60-058270 does not specifically teach two-tone coloring on a boundary, per se', it would have been obvious to one having ordinary skill in the art at the time the invention was made to color finish the panel of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 in order to create a member that is aesthetically pleasing but that is also enhance at the draw forming portions thereby further defining the shape made by draw forming the member. Regarding claim 6, Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 does not specifically teach forming a gradation portion. However, a gradation involves advancement by successive stages of tones or shades as from one tone to another. Hence, providing the door of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 is also an obvious matter of design that enhances the appearance of the portion stretched or bent by draw forming. Thus, it would have been obvious to one having ordinary skill in the art to form the door of Prior Art Figure 7, as modified by, Japanese Utility Model #63-104982 and JP 60-058270 with a gradation portion in order to create a door wherein the draw forming portion is enhanced and the overall appearance of the door is accentuated. In reference to claim 7, position of the colored portion is also an obvious matter of design choice that depends upon which portion of the door is

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required to be accentuated. Obviously, positioning the colored portion near a center of the door would present a door panel that is readily pleasing in appearance and strengthened at a center thereof.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982. Prior Art Figure 7 discloses the method of producing a door (1) composed of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed door except for the use of draw forming positioned at an edge of either side of the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to form a door panel (4a) with draw forming as at (4) in figures 1 and 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of producing a door of Prior Art Figure 7 with the step of draw forming a face plate, as taught by Japanese Utility Model #63-104982, in order to present a door that is not only a heat insulating door, but that is also sophisticated in appearance.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Figure 7 in view of Japanese Utility Model #63-104982 and JP 60-058270. . Prior Art Figure 7 discloses the method of producing a door (1) composed of a door panel (3), an inner panel (2), a door cap (4), and a handle (5); wherein foam heat insulation (not shown), page 1, line 18 of the instant application, is provided therein. Prior Art Figure 7 discloses the basic claimed



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door except for the step of draw forming at an edge of either side of the panel and except for the step of two-tone coloring the panel. Japanese Utility Model #63-104982 teaches that it is known in the art to use the step of draw forming a door panel (4a) as at (4) in figures 1 and 2 and JP 60-058270 teaches that it is known in the art to color a metal/plastic a two-tone color finish. JP 60-058270 does not specifically teach two-tone coloring on a boundary, per se'. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Prior Art Figure 7 with the draw forming step of Japanese Utility Model #63-104982 and the step of color finishing of JP 60-058270 in order to create a member that is aesthetically pleasing but that is also enhanced at the draw forming portions thereby further defining the shape made by draw forming the member.

### ***Response to Arguments***

Applicant's arguments filed 4/26/04 have been fully considered but they are not persuasive. Regarding the applicant's argument that the draw forming percentage eliminates the need for an internal metal part, this may be so; however, it is apparent that the requirement of an additional panel and the draw forming. Percentage is an obvious matter of design choice. For instance, if the door were being used in conditions that did not require as much insulation, it would be obvious that the additional panel would not be needed. Whereas, if the door is needed in areas that require a substantial amount of insulation perhaps an additional panel and added insulation would be required.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH  
Art Unit 3635  
11/29/04



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